

EMBASSY OF THE
UNITED STATES OF AMERICA 408

Jakarta, Indonesia

November 30, 1999

04-408

Dear Mr. Minister:

I have the honor to refer to the Memorandum of Understanding (the Memorandum) between the Department of the Interior of the United States of America and the Ministry of Mines and Energy of the Republic of Indonesia on Cooperation and Exchange in the Field of Surface Mining signed in Jakarta on December 2, 1994 and being in force for five years.

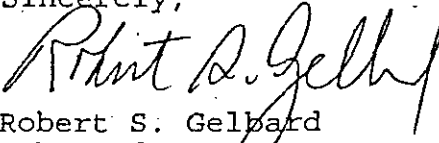
Article X of the Memorandum states that it may be extended by written agreement of the parties.

I have the honor to propose on behalf of the Government of the United States of America that the Agreement be extended for a period of five years, effective December 4, 1999.

If the Ministry of Mines and Energy of the Republic of Indonesia agrees with the proposal set forth above, I further propose that this note and your affirmative note in reply constitute an agreement between the Government of the United States of America and the Government of the Republic of Indonesia which shall enter into force on the date of your note in reply.

Please accept the renewed assurance of my highest consideration.

Sincerely,


Robert S. Gelbard
Ambassador

Enclosure:
Memorandum of Understanding.

His Excellency
Lt. Gen. Bambang Yudhoyono,
Minister for Mines and Energy,
Jakarta.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF MINES AND ENERGY
OF THE REPUBLIC OF INDONESIA
AND
THE DEPARTMENT OF THE INTERIOR
OF THE UNITED STATES OF AMERICA
ON
COOPERATION AND EXCHANGE IN THE FIELDS OF SURFACE MINING

The Department of Mines and Energy of the Republic of Indonesia and the Department of the Interior of the United States of America (hereinafter referred to as the "Parties").

Desiring to promote cooperation and the exchange of information in the fields of surface mining environmental management pursuant to the Agreement between the Government of the Republic of Indonesia and the Government of the United States of America for Cooperation in Scientific Research and Technological Development of January 15, 1992 (hereinafter referred to as the "Agreement").

Intending to cooperate on the basis of equality, and mutual benefit.

Have agreed as follows:

ARTICLE I

The areas of cooperation and exchange under this Memorandum of Understanding (MOU) may include, the following topics of mutual interest:

1. Management practices and technology to control the environmental effects of surface mining, including water and air quality, stability of fills, control of erosion, and storm water management;
2. Techniques and technology of reclamation and revegetation of mined lands;
3. Use of automated geological information systems to modernize mine planning and assessment of mine development applications and reclamation plans;
4. Human resources development in mine inspection, environmental assessment, and program management;
5. Preparing and implementing environmental management plans for surface mines and for extinguishing coal mine fires; and

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6. Preparing and implementing plan for reclamation and reducing hazards on previously mined lands, including control of subsidence.

ARTICLE II

The cooperation and exchange under this MOU may take the following forms:

1. Exchanges of managers and study teams;
2. Exchanges of scientific and technical materials, publications and other documentation;
3. Exchanges of technical specialists and trainees for extended periods of time, and their attendance at professional courses of the other country;
4. Joint applied research and technology development projects and other forms of cooperative research as may be mutually agreed upon;
5. Holding of symposia, courses, conferences, seminars and workshops; and participation in appropriate international symposia, courses, conferences, seminars and workshops to disseminate the results of this mutual effort.

ARTICLE III

All cooperation and exchange under this MOU shall be subject to the availability of funds, shall be in accordance with and governed by the terms of the Agreement, and shall be subject to the applicable laws and regulations in each country.

ARTICLE IV

The Parties shall designate respectively an Executive Agent from the Bureau of Environment and Technology of the Department of Mines and Energy of the Republic of Indonesia and from the Office of Surface Mining Reclamation and Enforcement of the Department of The Interior of the United States of America, to administer activities conducted under this MOU. The Parties shall coordinate the participation of other government agencies, universities, organizations and individuals in their respective countries in the cooperation and exchange set forth in Articles I and II of this MOU.

ARTICLE V

Annually, the Executive Agents of the Parties shall consult and decide on the programs of cooperation and exchange, including the number of persons, duration and dates of implementation, and other related matters. The Parties shall meet, as mutually agreed, to oversee the implementation of the programs of the MOU or to consult, as necessary, on other related matters.

ARTICLE VI

The specific cooperation and exchanges as mutually agreed upon and the plans under which they will be conducted, including financial arrangements, shall be included in annexes to this MOU, the terms of which shall be consistent with the terms of this MOU.

ARTICLE VII

Protection of intellectual properties and rights to them shall be as set forth in the Agreement.

ARTICLE VIII

Any information or equipment requiring protection in the interest of national defense or foreign relations of either Party and classified as secret in accordance with the applicable national laws and regulations shall not be provided under this MOU. In the event that information or equipment is identified by either Party as requiring such protection in the course of cooperative activities undertaken pursuant to this MOU, it shall be brought immediately to the attention of the appropriate officials and the Parties shall consult to identify appropriate security measures to be agreed upon by the Parties in writing.

ARTICLE IX

Differences concerning the interpretation or application of this MOU shall be settled amicably by consultation between the two Parties.

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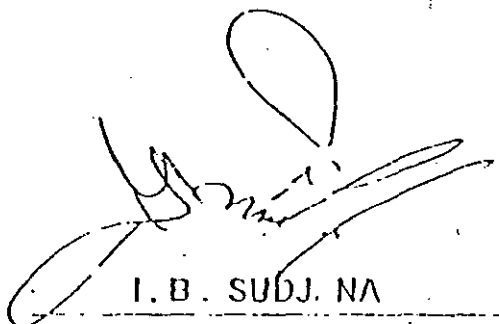
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ARTICLE X

1. This MOU shall enter into force upon signature by both Parties and shall remain in force for five years. It may be amended or extended by written agreement of the Parties.
2. This MOU may be terminated at any time by either Party giving six months written notification to the other Party.
3. Unless otherwise agreed, the termination of this MOU shall not affect the validity or duration of any activity made under it.

IN WITNESS WHEREOF, the undersigned being duly authorized by their respective Government have signed this Memorandum of Understanding.

DONE at Jakarta, on the Second day of December 1994, in the English language in duplicate, both texts being equally authentic.



I. B. SUDJANA

FOR THE DEPARTMENT
OF MINES AND ENERGY OF
THE REPUBLIC OF INDONESIA



ROBERT L. BARFY

FOR THE DEPARTMENT OF
THE INTERIOR OF THE
UNITED STATES OF AMERICA

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MINISTER OF MINES AND ENERGY
REPUBLIC OF INDONESIA

Our Ref: 4002/05/MPE.S/1999
His Excellency
Mr. Robert S. Gelbard
Ambassador Extraordinary and
Plenipotentiary of the
United States of America
Jakarta

December 3, 1999

Dear Mr. Gelbard

I have the honour to acknowledge receipt of your excellency's letter dated 30 November 1999, which read as follows : "I have the honour to refer to the Memorandum of Understanding between the Department of the Interior of the United States of America and the Ministry of Mines and Energy of the Republic of Indonesia on Cooperation and Exchange in the Field of Surface Mining signed in Jakarta on December 2, 1994 and being in force for five years. Article X of the Memorandum states that it may be extended by written agreement of the parties. I have the honour to propose on behalf of the Government of the United States that the Agreement be extended for a period of five years, effective December 4, 1999. If the Ministry of Mines and Energy of the Republic of Indonesia agrees with the proposal set forth above, I further propose that this note and your affirmative note in reply constitute an agreement between the Government of the United States of America and the Government of the Republic of Indonesia which shall enter into force on the date of your note in reply. Accept Excellency, the renewed assurances of my highest consideration".

I have the honour to confirm that the Ministry of Mines and Energy of the Republic of Indonesia agrees with the proposal set forth in the above note. I would very much appreciate it if you could agree on a small change to Article IV, which currently reads : "The Parties shall designate respectively an Executive Agent from the Bureau of Environment and Technology of the Department of Mines and Energy...." to become: " The Parties shall designate respectively an Executive Agent from the Department of Mines and Energy.....". Accordingly your note and this note in reply shall constitute an agreement between our two Governments.

Please accept assurances of my highest consideration.

Minister for Mines and Energy
of the Republic of Indonesia.

Susilo Bambang Yudhoyono

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OF THE REPUBLIC OF INDONESIA
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DONE at Jakarta, on the _____ day of _____ 2000, in the English language in duplicate, both texts being equally authentic.

SUSILO BAMBANG YUDHOYONO

FOR THE DEPARTMENT OF MINES
AND ENERGY OF REPUBLIC OF
INDONESIA

ROBERT S. GELBARD

FOR AMBASSADOR
EXTRAORDINARY AND
PLENIPOTENTIARY OF THE
UNITED STATES OF AMERICA